

HEADQUARTERS
UNITED STATES MILITARY ASSISTANCE COMMAND, VIETNAM
OFFICE OF THE COMMANDER
APO SAN FRANCISCO 96222

MACCORDS

MEMORANDUM FOR: Ambassador Robert W. Komer
Deputy to COMUSMACV for CORDS

SUBJECT: Legal Aspects of Corruption

- REFERENCES: A. Memorandum, 7 June 1968, same subject
B. Memorandum for the Record, 26 June 1968: Letter
from Kien Giang Judge
C. Memorandum for the Record, 29 June 1968: Anti-
Corruption Agencies - Malaysia and Singapore

1. References A and B, attached hereto, set forth the opinions of Judge Nguyen Truong Chanh on the nature and extent of official corruption and how the government should deal with it. My comments on the legal aspects of his presentation are also included.

2. It appears, based on investigation to date, that the Special Court and the Military Field Courts must continue to try corruption cases for the foreseeable future. Eventually a law is to be passed, pursuant to Article 91(2) of the new Constitution, setting up the Inspectorate, which will replace the current Office of Inspection. When the Inspectorate becomes a well staff and effective organization operating throughout the country, it may be able to put enough impetus behind the anti-corruption drive so that the civilian courts (by then hopefully organized and integrated in accordance with legislation yet introduced) will be able to take over the full judicial burden.


3. The foregoing legislative and organizational effort will no doubt be long drawn out. In the meantime, corruption must be combated using existing instrumentalities. It may well be possible, however, to increase the role of civilian investigative and legal personnel in the existing system, and to expand anti-corruption activities outside Hanoi and the Regional Capitals, thus taking action on two of Judge Chanh's major proposals.

4. Two competing bills, to control corruption, are being prepared by members of the Anti-Corruption Committee, of the Lower House.

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will follow these and other developments and report significant findings or recommendations.

S. Mr. Glen L. Ziegler, NID, Kien Giang, who handles the liaison with Judge Chaoh, has been requested to thank the Judge for his memorandum and advise him that the matter is under active consideration at a high level.


Legal Counsel

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Attachments:

References A, B, and C

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